

**UNITED STATES DISTRICT COURT**

## EASTERN DISTRICT OF TEXAS

WELLS FARGO BANK, NATIONAL  
ASSOCIATION,

**Plaintiff,**

V.

CIVIL ACTION NO. 1:17-CV-406

DAVID W.E. CABELL; DEBORAH L CABELL; THE DAVID WINSTON EARLY CABELL FAMILY LIMITED PARTNERSHIP, LTD.,

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## Defendants.

**MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636 and the Local Rules for the United States District Court for the Eastern District of Texas, this matter was referred to United States Magistrate Judge Keith F. Giblin for entry of findings and recommendation on case-dispositive motions and determination of non-dispositive matters. On September 6, 2018, Judge Giblin entered his report and recommendation (# 29) recommending that the District Court grant the defendant's motion to compel arbitration. Judge Giblin further recommended that the Court enter a stay pending completion of arbitration and that any outstanding motions be terminated as moot pursuant to the stay, without prejudice to reassert those motions.

To date, the parties have not filed objections to the report. Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court conducted a *de novo* review of the magistrate judge’s report and the record in this cause. The Court agrees with the Magistrate Judge’s findings and conclusions and adopts Judge Giblin’s report as the findings and conclusions of the Court.

The Court therefore ORDERS that Judge Giblin's Report and Recommendation (#. 29) is **ADOPTED** and the Plaintiff's Motion to Compel Arbitration and Stay Case (# 10) is **GRANTED**. Pursuant to Judge Giblin's recommendation, it is further **ORDERED** that the parties are compelled to arbitration and this civil action is **STAYED** pending completion of arbitration. The parties are further **ORDERED** to notify the Court within **five (5)** days of completion of arbitration. It is finally ordered that Plaintiff's Motion to Strike Jury Demand (# 13) is **TERMINATED** as **MOOT**, without prejudice to reassert.

SIGNED at Beaumont, Texas, this 26th day of September, 2018.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE